

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----x	Civil Action No.: CV-05-4289(ARR)
UNITED STATES OF AMERICA,	§
	§
Plaintiff,	§
- against-	§
	§
ZINA G. WASHINGTON,	§
	§
Defendant.	§
-----x	

**DEFAULT JUDGMENT**

Because Zina G. Washington failed to appear to defend this action after having been served with process, it is ordered that a default be entered.

It is adjudged that the United States of America recover from Zina G. Washington:

**Claim No. C-83718W**

Principal Balance: \$3,167.75

Total Interest Accrued at 8.000%: \$3,620.29

Filing and Service of Process: ~~\$309.00~~

~~Subtotal:~~ ~~\$7,097.04~~

~~Attorney's Fees:~~ \$

Total Owed: \$ 6,788.<sup>04</sup>

Post-judgment interest shall be calculated, pursuant to 28 U.S.C. §1961.

Signed: Brooklyn, New York

*February 8*, 2006

~~A. Hynes R. Ross~~

~~United States District Judge~~

ROBERT C. HEINEMANN

CLERK OF COURT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Default Judgment and supporting papers were mailed by certified return receipt and regular mail on January 13, 2006 to:

Zina G. Washington  
Defendant In Person  
C/O Elnora Fields Davis  
90-14 211<sup>th</sup> Street, Apt 1  
Queens Village, NY 11428

Affirmed: Brooklyn, New York  
January 13, 2006



s/ Michael T. Sucher, Esq. (MS-9414)

MICHAEL T. SUCHER, ESQ.  
Private Counsel for Plaintiff  
United States of America  
26 Court Street Suite 2412  
Brooklyn, New York 11242  
Tel. (718) 522-1995  
Fax. (718) 797-3174

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**MOTION FOR DEFAULT AND FINAL JUDGMENT  
AND FOR APPROVAL OF LEGAL FEES**

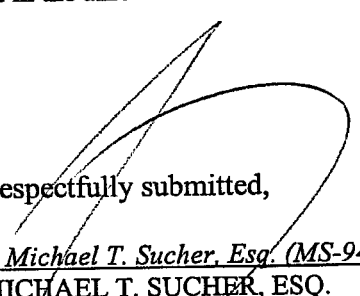
The Honorable Allyne R. Ross:

United States of America ("USA") moves for final judgment against Zina G. Washington ("Washington") because Washington has not answered, although duly summoned in the manner and for the length of time prescribed by law, and would further show that service was made on Washington, and to USA's knowledge Washington was not at the time of service in the military or naval service of the United States of America.

USA respectfully requests a final judgment in the amount set forth in the attached proposed judgment.

Dated: Brooklyn, New York  
January 12, 2006

Respectfully submitted,

  
s/ Michael T. Sucher, Esq. (MS-9414)  
MICHAEL T. SUCHER, ESQ.  
Private Counsel for Plaintiff  
United States of America  
26 Court Street Suite 2412  
Brooklyn, New York 11242  
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**AFFIRMATION OF AMOUNT DUE**

MICHAEL T. SUCHER, ESQ., an attorney duly licensed to practice in the Courts of the State of New York and in this honorable Court, affirms the following to be true under penalties of perjury:

1. I am the attorney for the United States of America in the above-entitled and numbered action.
2. The records of the Clerk of this Court show that the Summons and Complaint in this cause were duly served on Zina G. Washington ("Washington") on December 20, 2005.
3. More than 20 days have passed since such service and Washington has failed to appear, plead or otherwise defend.
4. Washington is not an infant or incompetent person and is not in the military service within the purview of the Servicemen's Civil Relief Act of 2003, as amended.
5. Reasonable Attorney's fees are specifically authorized for collection on the promissory note sued upon.
6. The sum of \$1,419.41 is hereby requested as attorney's fees—same being 20% of the total amount due as of this date.
7. It is respectfully submitted that 20% of the amount sought for collection is a reasonable amount of attorney's fees to award, and is in line with the percentage amount awarded as reasonable attorneys' fees in this Court. US v. Vilius, (EDNY, 04-Cv-5541, Sifton, J.)

("I conclude that the imposition of attorneys' fees in the amount of 20% of each of the defendants' accumulated debt is not unreasonable. As the holder of the debt, the Department of Education is entitled to reasonable collection costs including attorneys' fees, it has incurred as a result of the borrowers' defaults.") See also, e.g., Yurman Designs, Inc. v. PAJ, Inc., 29 Fed. Appx. 46 (2<sup>nd</sup> Circuit, 2002); Wombles Charteres, Inc. v. Orix Credit Alliance, Inc., 1999 U.S. Dist. LEXIS 16859 (S.D.N.Y., 1999); Peoples Westchester Sav. Bank v. Ganc, 715 F.Supp. 610 (S.D.N.Y., 1989) ("fees amounting to 20 percent or more of the amount recovered have been held to be reasonable [by the appellate courts]").

8. Alternatively, if this Court will look only to the lodestar method of computation of attorney's fees, it is requested that this court fix attorney's fees in the sum of not less than \$1,575 based on our office's expenditure of not less than 4.5 hours in prosecuting this action through default, at this office's normal hourly rate of \$350 per hour. Our services on a typical collection case, resulting in a default, comprise the following services: *Upon receipt of a student loan collection file we review the same; skip trace; prepare and send correspondence to defendant; make numerous attempts at communication with the defendant; draft summons and complaint; file the same with court on paper and electronically; draft request for waiver of service and cover letter; transmit the same to defendant and file with court electronically; supervise completion of service of process and file the same electronically; prepare, serve and electronically file motion for default judgment; and follow PACER for Notation of Default and Default Judgment.*
9. Accordingly, it is respectfully requested that this court exercise its discretion and award a reasonable amount of attorney's fees to Plaintiff, United States of America.
10. Costs in this action comprise this court's filing fee of \$250, sought by Plaintiff pursuant

to 28 U.S.C. 2412, and Plaintiff's out-of-pocket expenses for service of the summons and complaint (\$59.00; bill annexed hereto).

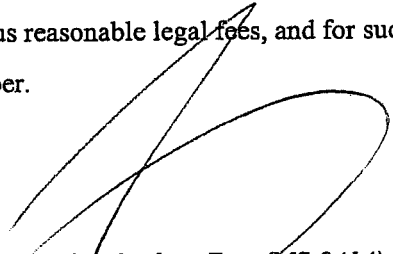
11. The following information is provided from the USA's records for this claim:

**Claim No. C-83718W:**

Principal Balance:	\$3,167.75
Total Interest Accrued:	\$3,620.29
Filing and Service of Process:	\$309.00
Total Owed:	<u>\$7,097.04</u>
Interest Rate:	8.000%

WHEREFORE, it is respectfully requested that this Court enter judgment against the defendant in the sum of \$7,097.04, plus applicable interest, plus reasonable legal fees, and for such other and further relief as to this Court may seem just and proper.

Affirmed: Brooklyn, New York  
January 12, 2006



s/ Michael T. Sucher, Esq. (MS-9414)  
MICHAEL T. SUCHER, ESQ.  
Private Counsel for Plaintiff  
United States of America  
26 Court Street Suite 2412  
Brooklyn, New York 11242  
Tel. (718) 522-1995  
Fax. (718) 797-3174

Federated Legal Services, Inc.  
32 Court Street  
Brooklyn, NY 11201  
(718)875-1483

Michael Sucher  
26 Court St 24 fl  
Bklyn, NY 11242

## Service Charges

Billing Date: 12/23/05  
Atty: MS - Michael Sucher

[illegible]





Federated Legal Services, Inc.  
32 Court Street  
Brooklyn, NY 11201  
(718) 875-1483

Michael Sucher  
26 Court St 24 fl  
Bklyn,NY 11242

### Service Charges

Billing Date: 12/01/05  
Atty: MS - Michael Sucher

[illegible]

Total Amount Due .....

**\$ 789.00**

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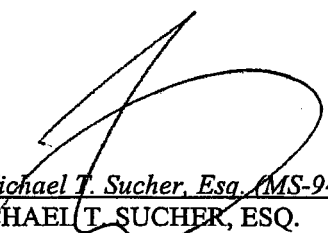
**NONMILITARY AFFIDAVIT**

MICHAEL T. SUCHER, ESQ., an attorney duly licensed to practice in the Courts of the State of New York and in this honorable Court, affirms the following to be true under penalties of perjury:

1. I am attorney of record for Plaintiff in the above-entitled and numbered case.
2. I investigated whether Defendant, Zina G. Washington is in military service, by inquiry to the United States Department of Defense, Manpower Data Center, which organization maintains files setting forth the names of all individuals in the world who are in active military duty in all branches of the United States military service.
3. Based on my investigation and on the attached Department of Defense, Manpower Data Center report dated January 12, 2006, setting forth that no records were found for a Zina G. Washington being in the United States military service as of that date, I am convinced that Defendant, Zina G. Washington is not in the military service of the United States, or of the State of New York, at the present time, nor has said Defendant, Zina G. Washington been ordered to report for induction under the Selective Training and Service Act of 1940, as amended.

Defendant, Zina G. Washington has not been ordered to report for military service as a member of the Enlisted Reserve Corps., and he was not receiving any training or education under the supervision of the United States preliminary to induction.

Affirmed: Brooklyn, New York  
January 12, 2006



s/ Michael T. Sucher, Esq. (MS-9414)  
MICHAEL T. SUCHER, ESQ.  
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Department of Defense Manpower Data Center

JAN-12-2006 13:18:39



Military Status Report  
Pursuant to the Service Members' Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
WASHINGTON	Zina G	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, the above is the current status of the individual, per the Information provided, as to all branches of the Military.

Robert J. Brandewie, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Service Members Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are most strongly encouraged to contact us by phone at (703-696-6762). We will then conduct further research. Your failure to re-contact DMDC may cause provisions of the SCRA to be invoked against you.

This response reflects current active duty status only. For historical information, please contact the military services SCRA point of contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>.

Report ID: **WWELOULJHG**